

REMARKS / DISCUSSION OF ISSUES

Claims 1-12 are pending in the application. Claim 13 was previously cancelled. Claim 14 is newly added.

The claims are amended to correct one or more informalities, remove figure labels and/or to replace European-style claim phraseology with American-style claim language and bring the claims in line with U.S. practice.

The new claim 14 is based on the previous pending claims 7 and 9, and is supported by the original specification.

The independent claims 1, 10 and 12 and dependent claim 7 are clarified based on the specification, for example, page 6, line 3 to page 8, line 13.

No new matter is entered.

The Office action rejected claims 1, 10 and 12 under 35 USC 103(a) over Walton et al. (20030128658) (hereinafter Walton) in view of Smith et al. (2003016219) (hereinafter Smith).

Applicant's claim 1 includes, in part, the features of:

the secondary station configuring its receiver resources for processing the received data and interference by choosing selected ones of said plurality of its antennas for receiving interference signals for interference cancellation.

The Office Action on page 5 admits that Walton fails to disclose the secondary station configuring its receiver resources for processing the received data and interference by choosing selected ones of said plurality of its antennas. The Office points to Smith as disclosing the features directly above in the Abstract and paragraphs 54 and 123.

However, applicant respectfully submits that neither Smith nor Walton discloses the above mentioned features. Smith describes a MIMO system which apparently uses a switched antenna selection at the receiver. But this switched antenna selection is never suggested as having any relationship to processing the received data and interference by choosing selected ones of said plurality of its antennas for receiving interference signals for interference cancellation. In contrast to applicant's claimed

invention Smith is directed to using antenna selection to reduce the number of transmit or receive chains of antennas to be used.

Paragraph 123 of Smith only discusses selecting the best combination of 2 antenna elements from 8 available in order to reduce interference. There is no mention or even suggestion of choosing selected ones of said plurality of its antennas for receiving interference signals for interference cancellation. Smith is only looking to improve a carrier to interference ratio by using a specific combination of antennas for receiving the signal.

In the present Office action it is admitted that Walton fails to teach at least the above claimed features and, for at least the foregoing reasons, it is clear that Smith likewise fails to teach or even suggest the claimed features. Applicant respectfully submits that the articulated reasoning is not supported by the references, the lacking features would not have been obvious to one skilled in the art and the rejection should be withdrawn.

Accordingly, applicant respectfully submits that claim 1 is allowable.

Applicant's claim 10 is directed to a system and includes, in part, the features of:

means for configuring its receiver resources for processing data signals received from the adapted primary station and interference by choosing selected ones of said plurality of its antennas for receiving interference signals for interference cancellation.

Applicant's claim 12 is directed to a secondary station and includes, in part, the features of:

means for configuring its receiver resources for processing received data signals and interference by choosing selected ones of said plurality of its antennas for receiving interference signals for interference cancellation.

The Office action rejects claims 10 and 12 using substantially the same arguments presented above with respect to claim 1. Due to the similarity of certain features in claims 10 and 12 as compared to claim 1, applicant essentially repeats the above arguments from claim 1 pointing out why each of independent claims 10 and 12 are patentable over the combination of Smith and Walton.

The Office action rejections claims 2-9 and 11 under 35 USC 103(a) over Walton, Smith in view of Gore et al.

Claims 2-9 depend upon claim 1, and claim 11 depends upon claim 10. Each dependent claim includes the features of their respective base claim, plus additional distinguishing features. Thus, for at least the foregoing reasons, applicant respectfully requests that the rejection of claims 2-9 and claim 11 be withdrawn.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are solicited. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 14-1270 and please credit any excess fees to such Deposit Account.

Respectfully submitted,

/Brian S. Myers/

Brian S. Myers, Reg. No.: 46,947

Myers Wolin, LLC

For Kevin Ecker, Reg. No. 43,600

Date: October 6, 2008

Mail all correspondence to:

Kevin Ecker

Sr. Intellectual Property Counsel

US PHILIPS CORPORATION

P.O. Box 3001

Briarcliff Manor, NY 10510-8001